

**RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
GROUP ART UNIT 2166**

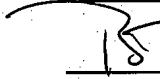
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No: 10/749,260
Filed: December 31, 2003
Inventor(s):
Dilip Madhusudan Ranade

Title: CONFLICT RESOLUTION
FOR A DISTRIBUTED FILE
SHARING SYSTEM

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Examiner: Ahn, Sangwoo
Group/Art Unit: 2166
Atty. Dkt. No: 5760-18700

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| ****CERTIFICATE OF E-FILING TRANSMISSION**** | |
| I hereby certify that this correspondence is being transmitted via electronic filing to the United States Patent and Trademark Office on the date shown below | |
|  Signature | B. Noël Kivlin Printed Name July 5, 2007 Date |

REQUEST FOR PRE-APPEAL BRIEF REVIEW

ATTN: BOX AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant is in receipt of the Final Office Action mailed April 4, 2007. Applicant requests review of the final rejection. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reason(s) stated below.

Section 101 Rejections

Claims 30-37 and 43-47 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Applicant respectfully traverses these rejections.

Regarding claims 30-37, the Examiner states that the claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101. Applicant disagrees. Claim 30 recites a system comprising a plurality of computing nodes, wherein the plurality of computing nodes includes a first node operable to perform various

features as set forth in the remainder of the claim. Applicant respectfully submits that the plurality of computing nodes including the first node constitutes a machine or a manufacture within the meaning of 35 U.S.C. 101 and that claims 30-37 are directed to statutory subject matter.

Regarding claims 43-47, the Examiner asserts:

“On page 54 lines 9 - 10 of the instant specification, applicant has provided evidence that applicant intends the ‘medium’ to include signals. As such, the claim is drawn to a form of energy.”

Applicant respectfully submits that although the cited portion of the specification refers to a carrier medium, which is described as including memory media as well as transmission media or signals, claims 43-47 specifically recite a memory medium. Accordingly, these claims are believed to be statutory.

Section 102(b) Rejections

Claims 30-32, 34-40, 42-45, and 47-50 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,853,843 to Ecklund (hereinafter “Ecklund”). Applicant respectfully traverses these rejections.

Claim 30 recites in pertinent part, “in response to detecting the conflict: ... create a second file representing the second version of the data object; and create a third file representing the third version of the data object.” Applicant respectfully submits that Ecklund does not teach these limitations in combination with the other limitations recited in claim 30.

The Office Action does not give any reference to any teaching in Ecklund regarding these claim limitations. The Examiner merely asserts that, “each version is a data object or ‘copies’ of the original version, which essentially means it could be a file stored in a storage.” However, Applicant respectfully reminds the Review Panel that anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). Furthermore, the identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Ecklund contains no teaching whatsoever regarding creating a file representing a version of a data object in response to detecting a conflict. Furthermore, Ecklund clearly teaches that the data objects are stored in a database. (See Abstract.) Creating a data object in a database is not the same as creating a file, as recited in claim 30.

Applicant thus respectfully submits that claim 30 and its dependent claims are patentably distinct over Ecklund for at least the reasons set forth above. Inasmuch as claims 38, 43, and 48 recite similar limitations as claim 30, Applicant respectfully submits that these claims, and the claims respectively dependent thereon, are also patentably distinct over Ecklund.

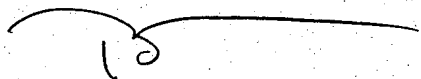
Applicant also respectfully submits that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested. If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5760-18700/BNK.

Also enclosed herewith are the following items:

☒ Notice of Appeal

Respectfully submitted,



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